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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASTE ACTION PROJECT,	)	
	)	
Plaintiff,	)	
v.	)	COMPLAINT
	)	
CENVEO, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

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**I. INTRODUCTION**

1. This action is a citizen suit brought under Section 505 of the Clean Water Act (“CWA”) as amended, 33 U.S.C. § 1365. Plaintiff Waste Action Project seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys’ and expert witnesses’ fees, for Defendant Cenveo, Inc.’s repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of its National Pollutant Discharge Elimination System (“NPDES”) permit authorizing discharges of pollutants from Defendant’s Kent, Washington, facility to navigable waters.

## II. JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and 1365(a).

3. Under Section 505 (b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), Plaintiff notified Defendant of Defendant's violations of the CWA and of Plaintiff's intent to sue under the CWA by letter dated and postmarked March 18, 2014 and delivered March 19, 2014 ("Notice Letter"). A copy of the Notice Letter is attached to this complaint as Exhibit 1. The allegations in the Notice Letter are incorporated herein by this reference. Plaintiff notified Defendant's Registered Agent, the Administrator of the United States Environmental Protection Agency ("USEPA"), the Administrator of USEPA Region 10, and the Director of the Washington Department of Ecology ("WDOE") of its intent to sue Defendant by mailing copies of the Notice Letter to these officials on March 18, 2014.

4. More than sixty days have passed since the notice was served and the violations complained of in the Notice Letter are continuing or are reasonably likely to continue to occur. Defendant is in violation of its NPDES permit and the CWA. Neither the USEPA nor the WDOE has commenced any action constituting diligent prosecution to redress these violations.

5. The source of the violations complained of is located in King County, Washington, within the Western District of Washington, and venue is therefore appropriate in the Western District of Washington pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1).

### III. PARTIES

6. Plaintiff, Waste Action Project, is suing on behalf of itself and its member(s).

Waste Action Project is a non-profit corporation organized under the laws of the State of Washington. Waste Action Project is a membership organization and has at least one member who is injured by Defendant's violations. Waste Action Project is dedicated to protecting and preserving the environment of Washington State, especially the quality of its waters.

7. Plaintiff has representational standing to bring this action. Waste Action Project's members are reasonably concerned about the effects of discharges of pollutants, including stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members observe, study, and enjoy. Waste Action Project's members are further concerned about the effects of discharges from Defendant's facility on human health. In addition, discharges from Defendant's facility lessen Waste Action Project's members' aesthetic enjoyment of nearby areas. Waste Action Project members' concerns about the effects of Defendant's discharges are aggravated by Defendant's failure to record and report information about its discharges and pollution controls. The recreational, scientific, economic, aesthetic and/or health interest of Waste Action Project and its member(s) have been, are being, and will be adversely affected by Defendant's violations of the CWA. The relief sought in this lawsuit can redress the injuries to these interests.

8. Plaintiff has organizational standing to bring this action. Plaintiff has been actively engaged in a variety of educational and advocacy efforts to improve water quality and to address sources of water quality degradation in the waters of western Washington, including the Green River. Defendant has failed to fulfill monitoring, recordkeeping, reporting and planning requirements, among others, necessary for compliance with its NPDES permit and the CWA. As

1 a result, Plaintiff is deprived of information necessary to properly serve its members by  
2 providing information and taking appropriate action to advance its mission. Plaintiff's efforts to  
3 educate and advocate for greater environmental protection, and to ensure the success of  
4 environmental restoration projects implemented for the benefit of its members are also  
5 precluded. Finally, Plaintiff and the public are deprived of information that influences members  
6 of the public to become members of Waste Action Project, thereby reducing Waste Action  
7 Project's membership numbers. Thus, Plaintiff's organizational interests have been adversely  
8 affected by Defendant's violations. These injuries are fairly traceable to Defendant's violations  
9 and redressable by the Court.  
10

11  
12 9. Defendant is a corporation authorized to conduct business under the laws of the  
13 State of Washington.

14 10. Defendant owns and operates a facility used for manufacturing envelopes,  
15 letterheads and other paper products, located at or about 6520 S. 190<sup>th</sup> Street, Kent, WA 98032-  
16 2169, including any contiguous or adjacent properties owned or operated by Defendant (the  
17 "facility").  
18

#### 19 IV. LEGAL BACKGROUND

20 11. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of  
21 pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a)  
22 prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES  
23 permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.  
24

25 12. The State of Washington has established a federally approved state NPDES  
26 program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch.  
27  
28

1 173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C.  
2 § 1342(b).

3 13. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), the WDOE has  
4 repeatedly issued the Industrial Stormwater General Permit, most recently on October 21, 2009,  
5 (the “General Permit”). The General Permit, in its various iterations since its first issuance in  
6 1993 containing comparable requirements, authorizes those that obtain coverage under the  
7 General Permit to discharge stormwater, a pollutant under the CWA, and other pollutants  
8 contained in the stormwater to the waters of the State subject to certain terms and conditions.  
9

10 14. The General Permit imposes certain terms and conditions on those covered  
11 thereby, including monitoring and sampling of discharges, reporting and recordkeeping  
12 requirements. To reduce and eliminate pollutant concentrations in stormwater discharges, the  
13 General Permit requires, among other things, that Permittees develop and implement best  
14 management practices (“BMPs”) and a Stormwater Pollution Prevention Plan (“SWPPP”), and  
15 apply all known and reasonable methods of prevention, control and treatment (“AKART”) to  
16 discharges. When a Permittee’s stormwater discharge exceeds benchmark values for  
17 concentrations of certain pollutants (and action levels for concentrations of certain pollutants in a  
18 previous version of the General Permit), the General Permit requires the Permittee to complete  
19 the applicable Level 1, 2, or 3 corrective action requirements. The specific terms and conditions  
20 of the General Permit are described in detail in the Notice Letter, attached hereto as Exhibit 1,  
21 and incorporated herein by this reference.  
22  
23  
24

## 25 V. FACTS

26 15. Pursuant to Condition S2 of the General Permit, Defendant filed with the WDOE  
27 an Application for General Permit to Discharge Stormwater Associated with Industrial Activity.  
28

WDOE granted Defendant coverage under the General Permit for Defendant's facility under Permit Number WAR009288. WDOE previously granted Defendant coverage under an earlier version of the General Permit for Defendant's facility under Permit Number SO3009288.

16. Defendant's facility is engaged in industrial activity and discharges stormwater and other pollutants to the Green River via the Kent municipal stormwater system and/or other stormwater facilities and conveyances.

17. Discharges from Defendant's facility contribute to the polluted conditions of the waters of the State, including to the Green River, which is included on the 303(d) list of impaired waters for dissolved oxygen and bacteria. Discharges from Defendant's facility contribute to the ecological impacts that result from the polluted state of these waters and to Plaintiff' and their members' injuries resulting therefrom.

18. The vicinity of the facility and the receiving waters are used by the citizens of Washington and visitors, as well as at least one of Plaintiff's members, for recreational activities, including boating, biking, fishing, nature watching and sightseeing. Plaintiff' member(s) also derive(s) aesthetic benefits from the receiving waters. Plaintiff's and its members' enjoyment of these activities and waters is diminished by the polluted state of the receiving waters and by Defendant's contributions to such polluted state.

19. Defendant has violated the General Permit and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants in violation of an NPDES Permit. Defendant's violations of the General Permit and the CWA are set forth in full in sections I through VI of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. In particular and among the other violations described in the Notice Letter, Defendant has failed to monitor each distinct outfall at the facility, implement best

management practices to control stormwater quality and failed to timely complete Level One, Level Two and Level Three Corrective Actions as required by the General Permit.

20. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established in the General Permit, as specified in Table 1 below.

Defendant's stormwater discharges are causing or contributing to violations of water quality standards and therefore violate the General Permit. Additionally, Defendant's exceedances of the benchmark values demonstrate that Defendant is failing to apply AKART to its discharges and/or is failing to implement an adequate SWPPP and BMPs. These requirements and violations are described in detail in sections I and II of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

21. Defendant has sampled its stormwater discharges on dates identified in Table 1 of this Complaint and determined that such discharges contained pollution in amounts exceeding benchmarks, as shown in Table 1.

**Table 1: Monitoring Data As Submitted to Ecology (benchmark exceedances in bold)**

Quarter in which sample collected	Zn Concentration (Benchmark 117 ug/L)	Turbidity (Benchmark 25 NTU)	Copper (Benchmark 14 ug/L)
4th Quarter 2009	73 ug/L	10/16/09: <b>73.8</b> NTU 11/30/09: 6.8 Average: <b>40.3</b>	No data
1st Quarter 2010	3/8/10: <b>230</b> 3/25: 22 Average: <b>126</b>	18	6.8 ug/L
2nd Quarter 2010	23	12.62	4
3rd Quarter 2010	<b>142</b>	17.8	<b>25</b>
4th Quarter 2010	10/9/10: <b>236</b> 12/14/10: 59.3 Average: <b>147.6</b>	22.4	10/9/10: <b>23</b> 12/14/10: 10.8 Average: <b>16.9</b>

1st Quarter 2011	6	23	2.2
2nd Quarter 2011	93.2	11.9	6.6
3rd Quarter 2011	<b>134</b>	21.1	<b>16.8</b>
4th Quarter 2011	31.6	6.44	6.2
1st Quarter 2012	2/28/12: <b>317</b> 3/10/12: <b>150</b> Average: <b>261</b>	2/28/12: <b>32</b> 3/10/12: 7 Average: 19.5	10.5
2nd Quarter 2012	61.7	21.4	13.3
3rd Quarter 2012	No data	No data	No data
4th Quarter 2012	10/22/12: <b>702</b> 11/22/12: 44.9 Average: <b>373</b>	10/22/12: <b>38.7</b> 11/22/12: <b>28</b> Average: <b>32.9</b>	10/22/12: <b>29.5</b> 11/22/12: 8.1 Average: <b>18.8</b>
1st Quarter 2013	2/21/13: <b>269</b> 3/13/13: 8.4 Average: <b>139</b>	14	2/21/13: <b>25</b> 3/31/13: .9 Average: 12.9
2nd Quarter 2013	<b>255</b>	18	<b>56.4</b>
3rd Quarter 2013	38.4	13	No detect
4th Quarter 2013	34.4	22	5.03

22. The stormwater samples identified in Table 1 are representative of and accurately characterize the quality of stormwater discharges generated by the facility during the associated calendar quarter.

23. Upon information and belief, Defendant has not developed and/or implemented a SWPPP in accordance with the requirements of the General Permit. On information and belief, Defendant's SWPPP does not specify all of the BMPs that are necessary to provide AKART and to ensure that discharges do not cause or contribute to violations of water quality standards, and does not include all of the specific requirements of the General Permit, including certain



1 mandatory BMPs. These SWPPP requirements and violations are described in detail in section  
2 II of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this  
3 reference.

4 24. Defendant has violated the monitoring requirements in the General Permit.  
5 Defendant has failed to collect stormwater samples and/or submit discharge monitoring reports  
6 during all quarters as required by the General Permit.  
7

8 25. Defendant failed to collect stormwater samples and/or to submit DMRs for  
9 Outfall 2 for any monitoring periods over the past five years. These monitoring requirements  
10 and violations are described in section III of the Notice Letter, attached hereto as Exhibit 1, and  
11 are incorporated herein by this reference.  
12

13 26. Defendant failed to collect stormwater samples and/or to submit DMRs for  
14 Outfall 1 for the following monitoring period: 2<sup>nd</sup> Quarter 2009, 3<sup>rd</sup> Quarter 2009, and 3<sup>rd</sup>  
15 Quarter 2012. These monitoring requirements and violations are described in section III of the  
16 Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.  
17

18 27. Defendant has failed to analyze for any of the required parameters from Outfall 2  
19 during any monitoring period over the past five years. Defendant has also failed to analyze for  
20 certain parameters during the following monitoring periods from Outfall 1, as indicated: During  
21 4<sup>th</sup> Quarter of 2011 Defendant did not analyze for pH or look for an oil sheen; During 2<sup>nd</sup> Quarter  
22 2013 Defendant did not analyze for pH.  
23

24 28. Defendant failed to report and submit accurate monitoring data for pH levels in its  
25 stormwater discharges during 4<sup>th</sup> Quarter of 2011 and 4<sup>th</sup> Quarter of 2012.  
26

27 29. Defendant has not conducted and/or completed the corrective action responses as  
28 required by the General Permit. Condition S8B. of the General Permit requires permittee to  
29

1 undertake a Level 1 corrective action whenever it exceeds a benchmark value identified in  
2 Condition S5. A Level 1 corrective action comprises review of the SWPPP to ensure permit  
3 compliance, revisions to the SWPPP to include additional operational source control BMPs with  
4 the goal of achieving the applicable benchmark values in future discharges, including signature  
5 and certification of the revised SWPPP, summary of the Level 1 corrective action in the annual  
6 report, and full implementation of the revised SWPPP as soon as possible, but no later than the  
7 DMR due date for the quarter the benchmark was exceeded. Condition S4.C. of the 2005 Permit  
8 includes a substantially similar requirement regarding the benchmarks identified in Condition  
9 S4.D. Defendant was required to complete a Level 1 corrective action for every benchmark  
10 exceedance identified in Table 1 above. On information and belief, Defendant has not completed  
11 all of these corrective actions as required. These corrective action requirements and violations  
12 are described in section IV of the Notice Letter, attached hereto as Exhibit 1, and are  
13 incorporated herein by this reference.  
14  
15

16  
17 30. Condition S8.C. of the General Permit requires a permittee to undertake a Level 2  
18 corrective action whenever it exceeds a benchmark value for any two quarters during a calendar  
19 year. A Level 2 corrective action comprises review of the SWPPP to ensure permit compliance,  
20 revision of the SWPPP to include additional structural source control BMPs with the goal of  
21 achieving the benchmark in future discharges, including signature and certification of the revised  
22 SWPPP in accordance with Condition S3.A.6., summary of the Level 2 corrective action  
23 (planned or taken) in the annual report, and full implementation of the revised SWPPP by  
24 September 30 of the following year, including installation of necessary structural source control  
25 BMPs. Defendant triggered Level 2 response requirements for zinc and copper multiple times,  
26 as indicated by the benchmark exceedances in Table 1 above, including in the 3<sup>rd</sup> Quarter of  
27  
28

1 2010 for zinc, the 4<sup>th</sup> Quarter of 2010 for copper, the 4<sup>th</sup> Quarter of 2012 for zinc and the 2<sup>nd</sup>  
2 Quarter of 2013 for zinc. On information and belief, Defendant has not completed all of the  
3 corrective actions as required. These corrective action requirements and violations are described  
4 in section IV of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by  
5 this reference.  
6

7 31. Condition S8.D. of the General Permit requires a permittee to undertake a Level 3  
8 corrective action whenever it exceeds a benchmark value for any three quarters during a calendar  
9 year. A Level 3 corrective action comprises review of the SWPPP to ensure permit compliance,  
10 revision of the SWPPP to include additional treatment BMPs with the goal of achieving the  
11 applicable benchmark value in future discharges, including signature and certification of the  
12 revised SWPPP in accordance with Condition S3.A.6., summary of the Level 3 corrective action  
13 (planned or taken) in the annual report, and full implementation of the revised SWPPP by  
14 September 30 of the following year, including installation of necessary treatment BMPs.  
15 Defendant triggered Level 3 response requirements for zinc in the 4<sup>th</sup> Quarter of 2010.  
16 Defendant has not completed all of the corrective actions as required. These corrective action  
17 requirements and violations are described in section IV of the Notice Letter, attached hereto as  
18 Exhibit 1, and are incorporated herein by this reference.  
19  
20

21 32. On information and belief, Defendant has violated the recordkeeping  
22 requirements of the General Permit. The recordkeeping requirements are outlined in Condition  
23 S9.C of the General Permit. The General Permit requires the retention of the records identified  
24 for a minimum of five (5) years. Defendant is in violation of this condition by failing to retain  
25 the sampling documentation of Condition S4.B.3, the inspection documentation of S7,  
26 equipment calibration records, all BMP maintenance records, all original recordings for  
27  
28

1 continuous sampling instrumentation, copies of all laboratory reports as described in S3.B.4, all  
2 DMRs, or copies of any other reports required by the Permit for the specified five-year period.

3 33. Defendant has violated the reporting requirements of the General Permit. For  
4 example, Defendant submitted annual reports that did not include all the required elements.  
5 These reporting requirements and violations are described in section V of the Notice Letter,  
6 attached hereto as Exhibit 1, and are incorporated herein by this reference.  
7

8 34. A significant penalty should be imposed against Defendant pursuant to the  
9 penalty factors set forth in 33 U.S.C. § 1319(d).  
10

11 35. Defendant's violations of the CWA degrade the environment and the water  
12 quality of the receiving water bodies.

13 36. Defendant's violations were avoidable had Defendant been diligent in overseeing  
14 facility operations and maintenance.

15 37. Defendant has benefited economically as a consequence of its violations and its  
16 failure to implement improvements at the facility.  
17

18 38. Defendant is a very profitable publicly traded business enterprise that operates  
19 100 facilities in the United States and more abroad. Defendant's total assets at the end of 2013  
20 exceeded \$1.2 billion, and Defendant's net sales for that year exceeded \$1.7 billion. Given its  
21 size and resources, Defendant can afford to pay a significant penalty. Indeed, such penalty is  
22 required to meet the deterrence goals of the Clean Water Act's penalty factors.  
23

## 24 VI. CAUSE OF ACTION

25 39. The preceding paragraphs and the allegations in sections I through VI of the  
26 Notice Letter are incorporated herein.  
27  
28

1           40. Defendant's violations of its NPDES permit described herein and in the Notice  
2 Letter constitute violations of sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311  
3 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by section 505, 33  
4 U.S.C. § 1365.

5           41. On information and belief, the violations committed by Defendant are ongoing or  
6 are reasonably likely to continue to occur. Any and all additional violations of the General  
7 Permit and the CWA which occur after those described in Plaintiff's Notice Letter but before a  
8 final decision in this action should be considered continuing violations subject to this Complaint.  
9

10           42. Without the imposition of appropriate civil penalties and the issuance of an  
11 injunction, Defendant is likely to continue to violate the General Permit and the CWA to the  
12 further injury of the Plaintiff, its member(s) and others.  
13

14           43. A copy of this Complaint was served upon the Attorney General of the United  
15 States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).  
16

17                           **VII. RELIEF REQUESTED**

18           Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

19           A. Issue a declaratory judgment that Defendant has violated and continues to be in  
20 violation of the General Permit and Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§  
21 1311 and 1342;  
22

23           B. Enjoin Defendant from operating its facility in a manner that results in further  
24 violations of the General Permit or the Clean Water Act;

25           C. Order Defendant to immediately implement a Storm Water Pollution Prevention  
26 Plan that is in compliance with the General Permit, and to provide Plaintiff with a copy of this  
27 Plan;  
28

1 D. Order Defendant to allow Plaintiff to participate in the development and  
2 implementation of Defendant's Storm Water Pollution Prevention Plan;

3 E. Order Defendant to provide Plaintiff, for a period beginning on the date of the  
4 Court's Order and running for one year after Defendant achieves compliance with all of the  
5 conditions of the General Permit, with copies of all reports and other documents which  
6 Defendant submits to the USEPA or to the WDOE regarding Defendant's coverage under the  
7 General Permit at the time it is submitted to these authorities;

8 F. Order Defendant to take specific actions to remediate the environmental harm  
9 caused by its violations;

10 G. Order Defendant to pay civil penalties of \$37,500.00 per day of violation for each  
11 violation committed by Defendant pursuant to Sections 309(d) and 505(a) of the CWA, 33  
12 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

13 H. Award Plaintiff their litigation expenses, including reasonable attorneys' and  
14 expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and

15 I. Award such other relief as this Court deems appropriate.

16  
17  
18  
19  
20 RESPECTFULLY SUBMITTED this 9th day of June, 2014.

21 **SMITH & LOWNEY, PLLC**

22  
23 By: s/Richard Smith  
Richard Smith, WSBA # 21788

24 By: s/Marc Zemel  
25 Marc Zemel, WSBA #44325  
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29 COMPLAINT - 14

SMITH & LOWNEY, P.L.L.C.  
2317 EAST JOHN STREET  
SEATTLE, WASHINGTON 98112  
(206) 860-2883

EXHIBIT 1  
**SMITH & LOWNEY, P.L.L.C.**  
2317 EAST JOHN STREET  
SEATTLE, WASHINGTON 98112  
(206) 860-2883, FAX (206) 860-4187

March 18, 2014

**Via Certified Mail - Return Receipt Requested**

Managing Agent  
Cenveo, Inc.  
6520 S 190<sup>th</sup> Street  
Suite 100  
Kent, WA 98032-2169

Re: **NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND  
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION  
PLAN**

Dear Managing Agent:

We represent Waste Action Project ("WAP"), P.O. Box 4832, Seattle, WA 98194, (253) 639-7245. Any response or correspondence related to this matter should be directed to us at the letterhead address. This letter is to provide you with sixty days notice of WAP's intent to file a citizen suit against Cenveo, Inc. ("Cenveo") under section 505 of the Clean Water Act ("CWA"), 33 USC § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Cenveo's National Pollution Discharge Elimination System ("NPDES") permit.

Cenveo was granted coverage effective January 19, 2007 under Washington's Industrial Stormwater General Permit issued by the Washington Department of Ecology ("Ecology") on August 21, 2002, effective September 20, 2002, modified on December 1, 2004, reissued on August 15, 2007, effective September 15, 2007, reissued again on October 15, 2008, effective November 15, 2008, and remaining effective through December 31, 2009, under National Pollutant Discharge Elimination System Permit No. SO3-009288 (the "2002 Permit"). Cenveo was granted coverage under the subsequent iteration of the Washington Industrial Stormwater General Permit issued by Ecology on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and set to expire on January 1, 2015, under National Pollutant Discharge Elimination System Permit No. WAR-009288 (the "2010 Permit").

Cenveo has violated and continues to violate the CWA (see Sections 301 and 402 of the CWA, 33 USC §§ 1311 and 1342) and the terms and conditions of the 2002 Permit and the 2010 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or about 6520 S 190<sup>th</sup> Street, Kent, WA 98032-2169 (the "facility") as described herein.



## I. COMPLIANCE WITH STANDARDS.

### A. Violations of Water Quality Standards.

Condition S10.A of the 2010 Permit prohibits discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric criteria water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric criteria. Furthermore, the narrative water quality standard applies with equal force even if Ecology has established a numeric water quality standard. Specifically, Condition S7 of the 2002 Permit and Condition S10.A of the 2010 Permit require that Cenveo's discharges not cause or contribute to an excursion of Washington State water quality standards.

Cenveo discharges to the Green River via the Kent municipal stormwater system. The Green River does not meet water quality standards for dissolved oxygen and bacteria and is included on the state's "303(d) list" of impaired water bodies. Cenveo discharges stormwater that contains elevated levels of zinc, copper and turbidity as indicated in the table of benchmark exceedances below (Table 1). These discharges cause and/or contribute to violations of water quality standards for zinc, copper and turbidity in the Green River and have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. *See* WAC 173-201A-200(1)(e); 240; 602. Precipitation data from that time period is appended to this notice of intent to sue and identifies these days.

**Table 1: Monitoring Data As Submitted to Ecology (benchmark exceedances in bold)**

Quarter in which sample collected	Zn Concentration (Benchmark 117 ug/L)	Turbidity (Benchmark 25 NTU)	Copper (Benchmark 14 ug/L)
4th Quarter 2009	73 ug/L	<b>40.3</b> NTU	No data
1st Quarter 2010	<b>126</b>	18	6.8 ug/L
2nd Quarter 2010	23	12.62	4
3rd Quarter 2010	<b>142</b>	17.8	<b>25</b>
4th Quarter 2010	<b>236</b>	22.4	<b>23</b>
1st Quarter 2011	6	23	2.2
2nd Quarter 2011	93.2	11.9	6.6
3rd Quarter 2011	<b>134</b>	21.1	<b>16.8</b>



4th Quarter 2011	31.6	6.44	6.2
1st Quarter 2012	<b>261</b>	19.5	10.5
2nd Quarter 2012	61.7	21.4	13.3
3rd Quarter 2012	No data	No data	No data
4th Quarter 2012	<b>702</b>	<b>38.7</b>	<b>29.5</b>
1st Quarter 2013	<b>269</b>	14	<b>25</b>
2nd Quarter 2013	<b>255</b>	18	<b>56.4</b>
3rd Quarter 2013	No data	No data	No data
4th Quarter 2013	No data	No data	No data

## **B. Compliance with Standards.**

Condition S10.C of the 2010 Permit requires Cenveo to apply all known and reasonable methods of prevention, control and treatment (“AKART”) to all discharges, including preparation and implementation of an adequate SWPPP and best management practices (“BMPs”). Condition S9 of the 2002 Permit contains a substantially similar requirement. Cenveo has violated and continues to violate these conditions by failing to apply AKART to its discharges or to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge indicated in Table 1 above and as described below in this notice of intent to sue.

Condition S3.A of the 2002 Permit and Condition S1.A of the 2010 Permit require that all discharges and activities authorized be consistent with the terms and conditions of the permits. Cenveo has violated these conditions by discharging and acting inconsistent with the conditions of the Permits as described in this Notice of Intent to Sue.

## **II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.**

Condition S9 of the 2002 Permit and Condition S3.A.1 of the 2010 Permit require Cenveo to develop and implement a SWPPP as specified. Conditions S9 and S9.B.3 of the 2002 Permit and Condition S3.A.2 of the 2010 Permit require the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Cenveo has violated these requirements of the Permits each and every day during the last five years and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART BMPs and BMPs necessary to comply with state water quality standards.

Condition S9 of the 2002 Permit and Condition S3.A of the 2010 Permit require Cenveo to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, Cenveo has violated these requirements of the Permits each and every day during the last five years and continues to violate them because its SWPPP is not consistent with permit requirements, has not been fully implemented and has not been updated as necessary.

The SWPPP fails to satisfy the requirements of Condition S9 of the 2002 Permit and Condition S3 of the 2010 Permit because it does not adequately describe BMPs. Condition S9.B.3 of the 2002 Permit and Condition S3.B.4 of the 2010 Permit require that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S.9.B.3 of the 2002 Permit required that the SWPPP document how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected and the technical basis that supports the performance claims for the BMPs being selected and an assessment of how the selected BMP will comply with state water quality standards, satisfy the state AKART requirements, and the federal technology-based treatment requirements under 40 CFR part 125.3. As described by this sub-condition and the second and third prefatory paragraphs of Condition S9 of the 2002 Permit, in lieu of such documentation (“the demonstration approach”), a permittee could choose to follow the stormwater management practices contained in approved stormwater technical manuals (“the presumptive approach”). Condition S9.A.5 of the 2002 Permit directed permittees selecting the presumptive approach to “clearly state which of the approved stormwater technical manuals the BMPs in their SWPPP are based on.” Condition S3.A.3 of the 2010 Permit requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Cenveo’s SWPPP does not comply with these requirements because it does not adequately describe BMPs and does not include BMPs consistent with approved stormwater technical manuals nor does it include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

Cenveo’s SWPPP fails to satisfy the requirements of Condition S9.B.1.a of the 2002 Permit and Condition S3.B.2 of the 2010 Permit because it fails to include a facility assessment as mandated. The SWPPP fails to include an adequate facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, regular business hours and seasonal variations in business hours or in industrial activities as required.

Cenveo’s SWPPP fails to satisfy the requirements of Condition S9.B.1.b of the 2002 Permit and Condition S3.B.1 of the 2010 Permit because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

Cenveo’s SWPPP fails to comply with Condition S9.B.1.c of the 2002 Permit and Condition S3.B.2.b of the 2010 Permit because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may

potentially be sources of pollutants as required. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these conditions.

Cenveo's SWPPP does not comply with Condition S9.B.1.d of the 2002 Permit and Condition S3.B.2.c of the 2010 Permit because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

Cenveo's SWPPP does not comply with Condition S9.B.3.a.i of the 2002 Permit and Condition S3.B.3 of the 2010 Permit because it does not identify specific individuals by name or title whose responsibilities include SWPPP development, implementation, maintenance and modification.

Condition S3.B.4 of the 2010 Permit requires that permittees include in their SWPPPs and implement certain mandatory BMPs no later than July 1, 2010 unless site conditions render the BMP unnecessary, infeasible, or an alternative and equally effective BMP is provided. Cenveo is in violation of this requirement because it has failed to include in its SWPPP and implement the mandatory BMPs of the 2010 Permit.

Cenveo's SWPPP does not comply with Condition S9.B.3.a of the 2002 Permit and Condition S3.B.4.b.i of the 2010 Permit because it does not include required operational source control BMPs in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, and material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and

recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Cenveo will comply with signature and record retention requirements, and certification of compliance with the SWPPP and Permit).

Cenveo's SWPPP does not comply with Condition S9.A.1 of the 2002 Permit and Condition S3.B.4.b.i.7 of the 2010 Permit because it does not include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

Cenveo's SWPPP does not comply with Condition S9.B.3.b of the 2002 Permit and Condition S3.B.4.b.ii of the 2010 Permit because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Cenveo's SWPPP does not comply with Condition S9.B.3.c of the 2002 Permit and Condition S3.B.4.b.iii of the 2010 Permit because it does not include treatment BMPs as required.

Cenveo's SWPPP fails to comply with Condition S9.B.4 of the 2002 Permit and Condition S3.B.4.b.v of the 2010 Permit because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

Cenveo's SWPPP fails to satisfy the requirements of Condition S9.B.2 of the 2002 Permit and Condition S3.B.5 of the 2010 Permit because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to a laboratory, identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

### **III. MONITORING AND REPORTING VIOLATIONS.**

#### **A. Failure to Collect Quarterly Samples.**

Condition S4.A of the 2002 Permit and Condition S4.B of the 2010 Permit require Cenveo to collect a sample of its stormwater discharge once during every calendar quarter. Condition S4.A of the 2002 Permit required Cenveo collect such a sample at each distinct point of discharge offsite if activities and site conditions at the facility that may pollute the stormwater are likely to result in discharges that will significantly vary in the concentration or type of pollutants. Conditions S3.B.5.b and S4.B.2.c of the 2010 Permit require Cenveo to



collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

Cenveo violated these requirements by failing to collect stormwater samples at any of its discharge points during the 1st quarter of 2007, 2nd quarter of 2007, 3rd quarter of 2007, 4th quarter of 2007, 1st quarter of 2008, 2nd quarter of 2008, 3rd quarter of 2008, 4th quarter of 2008, 2nd quarter of 2009, 3rd quarter of 2009, 3rd quarter of 2012, 3rd quarter of 2013, 4th quarter of 2013 and 1st quarter of 2014.

Cenveo has also violated and continues to violate these conditions because it does not sample each distinct point of discharge off-site. The facility has at least two distinct points of discharge off-site, but Cenveo has never sampled more than one discharge point in the last five years. These violations have occurred and continue to occur each and every quarter during the last five years that Cenveo was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not each, point of discharge. These violations will continue until Cenveo commences monitoring all distinct points of discharge.

#### **B. Failure to Analyze Quarterly Samples.**

Condition S4.D.2 of the 2002 Permit required Cenveo to analyze stormwater samples collected quarterly for turbidity, pH, total zinc, and oil and grease and Condition S4.E.1 additionally required Cenveo to analyze for biochemical oxygen demand (BOD5). Condition S5.A.1 of the 2010 Permit requires Cenveo to analyze stormwater samples collected quarterly for turbidity, pH, total copper, and total zinc, and requires visual analysis for oil sheen. Condition S5.B.2 additionally requires Cenveo to analyze for chemical oxygen demand (COD) and total suspended solids (TSS).

Cenveo violated these conditions by failing to analyze stormwater samples as describe in Table 2 below:

**Table 2: Quarters In Which Cenveo Did Not Analyze For All Parameters**

Monitoring Period	Parameters not analyzed
1 <sup>st</sup> Quarter 2007	Turbidity, pH, zinc, oil and grease, BOD 5
2 <sup>nd</sup> Quarter 2007	Turbidity, pH, zinc, oil and grease, BOD 5
3 <sup>rd</sup> Quarter 2007	Turbidity, pH, zinc, oil and grease, BOD 5
4 <sup>th</sup> Quarter 2007	Turbidity, pH, zinc, oil and grease, BOD 5
1 <sup>st</sup> Quarter 2008	Turbidity, pH, zinc, oil and grease, BOD 5
2 <sup>nd</sup> Quarter 2008	Turbidity, pH, zinc, oil and grease, BOD 5
3 <sup>rd</sup> Quarter 2008	Turbidity, pH, zinc, oil and grease, BOD 5
4 <sup>th</sup> Quarter 2008	Turbidity, pH, zinc, oil and grease, BOD 5
1 <sup>st</sup> Quarter 2009	BOD 5
2 <sup>nd</sup> Quarter 2009	Turbidity, pH, zinc, oil and grease, BOD 5
3 <sup>rd</sup> Quarter 2009	Turbidity, pH, zinc, oil and grease, BOD 5

4 <sup>th</sup> Quarter 2009	BOD5
3 <sup>rd</sup> Quarter 2011	pH, oil sheen
4 <sup>th</sup> Quarter 2011	pH, oil sheen
3 <sup>rd</sup> Quarter 2012	Turbidity, pH, zinc, copper, oil sheen, COD, TSS
3 <sup>rd</sup> Quarter 2013	Turbidity, pH, zinc, copper, oil sheen, COD, TSS
4 <sup>th</sup> Quarter 2013	Turbidity, pH, zinc, copper, oil sheen, COD, TSS

**C. Failure to Timely Submit Discharge Monitoring Reports.**

Condition S5.A of the 2002 Permit and Condition S9.A of the 2010 Permit require Cenveo to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period. Cenveo has violated these conditions by failing to submit a DMR within the time prescribed for the 1st quarter of 2007, 2nd quarter of 2007, 3rd quarter of 2007, 4th quarter of 2007, 1st quarter of 2008, 2nd quarter of 2008, 3rd quarter of 2008, 4th quarter of 2008, 2nd quarter of 2009, 3rd quarter of 2009, 3rd quarter of 2012, 3rd quarter of 2013, and 4th quarter of 2013. In the 4<sup>th</sup> quarter of 2012, Cenveo also failed to report and submit accurate monitoring data for pH levels in its stormwater discharges, in violation of the permit.

**D. Failure to Comply with Visual Monitoring Requirements.**

Condition S4.D.1 of the 2002 Permit required Cenveo to perform quarterly visual monitoring during stormwater sampling. This visual monitoring was to include observations made at sampling locations at the time of sampling; an inspection of stormwater discharges for the presence of floating materials, visible sheen, discoloration, turbidity, and odor; and an assessment of the best management practices required by the permit and the SWPPP. Discharge locations that were not sampled were to be visually inspected at least annually during a storm event. The visual monitoring and inspections were to be conducted by the personnel specified by the SWPPP, who was to verify that the description of potential pollutant sources was accurate, that the site map required in the SWPPP had been updated or modified to reflect current conditions, and that the controls to reduce pollutants in stormwater discharges were implemented and adequate.

In addition to quarterly visual inspection during storm events, Condition S4.D.1 of the 2002 Permit required Cenveo conduct at least one dry season (July, August, September) inspection each year and performed by the personnel specified in the SWPPP that occurred after at least seven consecutive days of no precipitation. The dry season inspection was to determine the presence of non-stormwater discharges, which must have been eliminated within thirty days unless authorized by the Permit. The 2002 Permit also required Cenveo to notify Ecology if non-stormwater discharges were discovered.

The 2002 Permit required that the results of each inspection/visual monitoring event be summarized in an inspection report or checklist and entered into or attached to the SWPPP, and be signed by the person making the observations. Visual monitoring reports were to be reviewed and signed by a duly authorized representative of Cenveo. Monitoring reports were

to include a certification of whether, in the judgment of the person signing the report, Cenveo was in compliance or non-compliance with the SWPPP and the 2002 Permit, and to identify any incidents of non-compliance. If the site inspection indicated that the requirements of the SWPPP or the Permit were not being met, the 2002 Permit required that the visual inspection report include a summary of the actions that will be taken to meet these requirements.

Condition S7.A of the 2010 Permit requires that monthly visual inspection be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional of different BMPs are needed).

Condition S7.C of the 2010 Permit requires that Cenveo record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the 2010 Permit, a summary report and schedule of implementation of the remedial actions that Cenveo plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Cenveo is in violation of these requirements of Condition S4.D.1 of the 2002 Permit and Condition S7 of the 2010 Permit because, during the last five years, it has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

#### **IV. CORRECTIVE ACTION VIOLATIONS.**

##### **A. Violations of the Level One Requirements of the 2010 Permit.**

Condition S8.B of the 2010 Permit requires Cenveo take specified actions, called a "Level One Corrective Action," each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH.

As described by Condition S8.B of the 2010 Permit, a Level One Corrective Action requires Cenveo: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit and contains the correct BMPs from the applicable

Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the 2010 Permit. Condition S8.B.4 of the 2010 Permit requires Cenveo to implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Table 2 of the 2010 Permit establish the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; and total zinc 117 µg/L. Condition S5.B and Table 3 of the 2010 Permit establish the following additional benchmarks that are applicable to Cenveo: COD 120 mg/L; TSS 100 mg/L.

Cenveo has violated the requirements of the 2010 Permit described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since January 1, 2010, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 above.

#### **B. Violations of the Level Two Requirements of the 2010 Permit.**

Condition S8.C of the 2010 Permit requires Cenveo take specified actions, called a “Level Two Corrective Action,” each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year.

As described by Condition S8.C of the 2010 Permit, a Level Two Corrective Action requires Cenveo: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level Two Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the 2010 Permit. Condition S8.C.4 of the 2010 Permit requires Cenveo to implement the revised SWPPP according to condition S3 of the 2010 Permit and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The 2010 Permit establishes the benchmarks applicable to Cenveo, as described in section IV.A of this notice of intent to sue letter.

Cenveo has violated the requirements of the 2010 Permit described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, including additional structural source control BMPs, and the required



summarization in the annual report each time since January 1, 2010, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Table 1 above, these violations include, but are not limited to, Cenveo's failure to fulfill these obligations for zinc triggered by its stormwater sampling during calendar years 2010, 2012 and 2013. These violations also include, but are not limited to, Cenveo's failure to fulfill these obligations for copper triggered by its stormwater sampling during calendar years 2010 and 2013.

### **C. Violations of the Level Three Requirements of the 2010 Permit.**

Condition S8.D of the 2010 Permit requires Cenveo take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year.

As described by Condition S8.D of the 2010 Permit, a Level Three Corrective Action requires Cenveo: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level Three Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the 2010 Permit, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed. Condition S8.D.2.b of the 2010 Permit requires that a licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the 2010 Permit requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, Cenveo submit an engineering report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the 2010 Permit requires Cenveo fully implement the revised SWPPP according to condition S3 of the 2010 Permit and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The 2010 Permit establishes the benchmarks applicable to Cenveo described in section IV.A of this notice of intent to sue letter.

Cenveo has violated the requirements of the 2010 Permit described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs, the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report each time since January 1, 2010, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Table 1 above, these violations include, but are not limited to, Cenveo's failure to fulfill these obligations for zinc triggered by its stormwater sampling during calendar year 2010.

## **V. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.**

Condition S9.B of the 2010 Permit requires Cenveo to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B – D. If a corrective action is not yet completed at the time of submission of the annual report, Cenveo must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Cenveo expects to complete corrective actions.

Cenveo has violated this condition. The annual report submitted by Cenveo for 2010 (in May 2011) does not include the required information. Specifically, the report does not describe all of the stormwater problems identified, including the triggering of Level 3 corrective actions for zinc, and there is no description of additional structural source control or treatment BMPs Cenveo implemented or plans to implement as part of its Level 2 and 3 corrective actions. The annual report submitted by Cenveo for 2011 (in May 2012) also does not include the required information. In particular, the report does not describe any of the stormwater problems identified, and there is no description of additional operational or structural source control BMPs Cenveo implemented or plans to implement as part of its Level 1 corrective action. Cenveo has further violated this condition by not submitting an annual report for 2012 to Ecology.

## **VI. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.**

### **A. Failure to Record Information.**

Condition S5.C of the 2002 Permit required Cenveo to record specified information for each sample taken, including the date, exact place, method, and time of sampling or

measurement; the individual who performed the sampling or measurement; the dates the analyses were performed; the individual who performed the analyses; the analytical techniques or methods used, and the results of all analyses. Condition S4.B.3 of the 2010 Permit requires Cenveo record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Cenveo collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Cenveo could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Cenveo is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

#### **B. Failure to Retain Records.**

Condition S5.B of the 2002 Permit required Cenveo to retain records of all monitoring information, inspection reports, and any other documentation of compliance with permit requirements for a minimum of five years. Condition S9.C of the 2010 Permit requires Cenveo to retain for a minimum of five years a copy of the 2010 Permit, a copy of Cenveo's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the 2010 Permit. Upon information and belief, Cenveo is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

### **VII. REQUEST FOR SWPPP.**

Pursuant to Condition S9.F of the 2010 Permit, WAP hereby requests that Cenveo, Inc. provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Cenveo fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the Permit, it will be in violation of that condition, which violation shall also be subject to this notice of intent to sue and any ensuing lawsuit.

### **VIII. CONCLUSION.**

The above-described violations reflect those indicated by the information currently available to WAP. These violations are ongoing. WAP intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

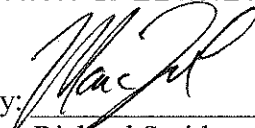
Under Section 309(d) of the CWA, 33 USC § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$32,500 per day for each violation before and through January 12, 2009 and up to \$37,500 per day for each violation thereafter. In addition to civil penalties, WAP will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 USC § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 USC § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

WAP believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. We intend, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Cenveo, Inc. under Section 505(a) of the Clean Water Act for violations.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations addressed in this letter and settlement terms. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within 10 days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By: 

Richard Smith  
Marc Zemel

cc: Gina McCarthy, Administrator, U.S. EPA  
Dennis McLerran, Region 10 Administrator, U.S. EPA  
Maia Bellon, Director, Washington Department of Ecology  
Corporation Service Company, Registered Agent (300 Deschutes Way SW, Suite 304,  
Tumwater, WA 98501)

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
Precipitation Data		2	T
SeaTac International Airport		3	0
Source: <a href="http://www.wunderground.com/">http://www.wunderground.com/</a>		4	0
		5	0.01
		6	0.04
		7	0
		8	0.01
		9	0.06
		10	0.24
		11	0
		12	0
		13	0
		14	0
		15	0.05
		16	0
		17	0
		18	0
		19	0
		20	0
		21	0
		22	0.07
		23	0.23
		24	0.34
		25	0.25
		26	0.21
		27	0
		28	T
<b>2009</b>	<b>Precip. (in)</b>	<b>2009</b>	<b>Precip. (in)</b>
<b>Jan</b>	<b>sum</b>	<b>Mar</b>	<b>sum</b>
1	0.71	1	0.3
2	0.12	2	0.11
3	T	3	0.24
4	0.57	4	0.03
5	0.04	5	0.05
6	1.22	6	0
7	2.29	7	0.08
8	0.03	8	0.32
9	0	9	0.34
10	0.14	10	0
11	0.03	11	0
12	0.08	12	0
13	0		
14	0		
15	0		
16	0		
17	0		
18	0		
19	0		
20	0		
21	0		
22	0		
23	0		
24	0.04		
25	0.02		
26	0		
27	0.09		
28	0		
29	0		
30	T		
31	0.02		
<b>2009</b>	<b>Precip. (in)</b>		
<b>Feb</b>	<b>sum</b>		
1	T		

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
13	0	21	0
14	0.49	22	0.25
15	0.69	23	0.06
16	0.29	24	0
17	0.29	25	0
18	T	26	0
19	0.08	27	T
20	0.12	28	0.12
21	T	29	T
22	0.01	30	0
23	0.07	<b>2009</b>	<b>Precip. (in)</b>
24	0.01	<b>May</b>	<b>sum</b>
25	0.05	1	0
26	0	2	0.32
27	T	3	0.01
28	0.38	4	0.36
29	0.04	5	0.59
30	0	6	0.89
31	0.17	7	T
<b>2009</b>	<b>Precip. (in)</b>	8	0
<b>Apr</b>	<b>sum</b>	9	0
1	0.39	10	0.04
2	0.92	11	0.03
3	0.09	12	0.04
4	0	13	0.44
5	0	14	0.32
6	0	15	0
7	0	16	0
8	0	17	0
9	0.03	18	0.45
10	0.02	19	0.12
11	0.06	20	0
12	0.83	21	0
13	0.32	22	0
14	0.01	23	0
15	0	24	0
16	0	25	0
17	0.25	26	0
18	0	27	0
19	0	28	0
20	0	29	0

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
30	0	6	T
31	0	7	T
<b>2009</b>	<b>Precip. (in)</b>	8	0
<b>Jun</b>	<b>sum</b>	9	0
1	0	10	0
2	0	11	0
3	0	12	0.04
4	T	13	0.02
5	0	14	0
6	T	15	0
7	0	16	0
8	0	17	0
9	0	18	0
10	0	19	0
11	0	20	0
12	0	21	0
13	0	22	0
14	0	23	0
15	0	24	0
16	0	25	T
17	0	26	0
18	0.01	27	0
19	0.09	28	0
20	T	29	0
21	0.04	30	0
22	0.01	31	0
23	T	<b>2009</b>	<b>Precip. (in)</b>
24	T	<b>Aug</b>	<b>sum</b>
25	0.03	1	0
26	0	2	0
27	0	3	0
28	0	4	0
29	0	5	0
30	0	6	0
<b>2009</b>	<b>Precip. (in)</b>	7	0
<b>Jul</b>	<b>sum</b>	8	0
1	0	9	T
2	0	10	0.13
3	0	11	0.32
4	0	12	0.15
5	0	13	0.16

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
14	T	22	0
15	0	23	0
16	0	24	0
17	0	25	0
18	0	26	0
19	0	27	0
20	0	28	T
21	T	29	0.07
22	0	30	0
23	0	<b>2009</b>	<b>Precip. (in)</b>
24	0	<b>Oct</b>	<b>sum</b>
25	0.03	1	0.08
26	0	2	0.14
27	0	3	0
28	0.01	4	0
29	0.36	5	0
30	0	6	0
31	0	7	0
<b>2009</b>	<b>Precip. (in)</b>	8	0
<b>Sep</b>	<b>sum</b>	9	0
1	T	10	0
2	0	11	0
3	0.12	12	0
4	T	13	0.17
5	0.31	14	0.51
6	0.93	15	0.07
7	0.01	16	0.78
8	0	17	1.24
9	0.01	18	0.09
10	0	19	0
11	0	20	0
12	0	21	0.16
13	0	22	0.02
14	0	23	0.41
15	0	24	0
16	0.01	25	0.06
17	0	26	1.21
18	0	27	T
19	0.29	28	0.08
20	0	29	0.25
21	0	30	0.23



<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
31	0.04	7	0
<b>2009</b>	<b>Precip. (in)</b>	8	0
<b>Nov</b>	<b>sum</b>	9	0
1	0	10	0
2	0.01	11	0
3	0	12	0
4	0	13	T
5	0.38	14	0.5
6	1.21	15	0.29
7	0.86	16	0.43
8	0.07	17	0.06
9	0.37	18	0.02
10	0.32	19	0.41
11	0.05	20	0.08
12	0	21	0.55
13	0.19	22	0.02
14	0	23	T
15	0.36	24	0
16	0.77	25	0
17	0.44	26	0
18	0.13	27	0
19	0.7	28	T
20	0.29	29	0.06
21	0.31	30	0.02
22	0.55	31	0.27
23	0.05	<b>2010</b>	<b>Precip. (in)</b>
24	0.2	<b>Jan</b>	<b>sum</b>
25	0.16	1	0.4
26	1.34	2	0.06
27	0	3	0.03
28	0	4	0.98
29	0	5	0.14
30	0.2	6	0
<b>2009</b>	<b>Precip. (in)</b>	7	0.04
<b>Dec</b>	<b>sum</b>	8	0.81
1	0	9	0.08
2	0	10	0.09
3	0	11	1.07
4	0.04	12	0.53
5	0	13	0.27
6	0	14	0.28

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
15	0.42	23	0.16
16	0.02	24	0.33
17	0.15	25	0.05
18	T	26	0.44
19	0.01	27	0.08
20	T	28	0
21	T	<b>2010</b>	<b>Precip. (in)</b>
22	0	<b>Mar</b>	<b>sum</b>
23	0.09	1	0
24	0.36	2	0.09
25	0.06	3	0
26	0	4	0.05
27	0	5	0
28	0	6	0
29	0.02	7	0.06
30	0.18	8	0.08
31	0.08	9	T
<b>2010</b>	<b>Precip. (in)</b>	10	0.07
<b>Feb</b>	<b>sum</b>	11	0.38
1	0.08	12	0.67
2	0.01	13	0.02
3	0.31	14	T
4	0.08	15	T
5	0.07	16	0.08
6	0.13	17	0.01
7	0.15	18	0
8	0	19	0
9	0	20	T
10	0.11	21	0.01
11	0.24	22	T
12	0.38	23	0
13	0.2	24	0
14	0.42	25	0.62
15	0.07	26	T
16	0.21	27	T
17	0	28	0.47
18	0	29	0.92
19	0	30	0.23
20	0	31	T
21	0		
22	0		

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
<b>2010</b>	<b>Precip. (in)</b>	8	0
<b>Apr</b>	<b>sum</b>	9	0
1	0.04	10	0.18
2	0.75	11	0
3	0.17	12	0
4	0.11	13	0
5	0.1	14	0
6	T	15	0
7	0.15	16	0.02
8	0.01	17	0.01
9	0	18	0.14
10	0	19	0.26
11	0	20	0.21
12	T	21	0.1
13	0.16	22	0.01
14	0	23	0.03
15	0.02	24	0
16	0.03	25	0.06
17	0.25	26	0.23
18	0	27	0.11
19	T	28	0.45
20	0.06	29	0.06
21	0.87	30	0.11
22	0	31	0.31
23	0.05	<b>2010</b>	<b>Precip. (in)</b>
24	0.08	<b>Jun</b>	<b>sum</b>
25	0	1	0.15
26	0.18	2	0.37
27	0.29	3	0.03
28	0.13	4	0.18
29	0	5	0
30	0.04	6	0.33
<b>2010</b>	<b>Precip. (in)</b>	7	0.01
<b>May</b>	<b>sum</b>	8	0.25
1	0.01	9	0.25
2	0.32	10	0.18
3	0.03	11	0.1
4	0.08	12	0
5	0.1	13	0
6	0	14	0
7	0	15	0.19

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
16	0.18	25	0
17	0	26	0
18	0	27	0
19	0.06	28	0
20	0.21	29	0
21	0	30	0
22	0	31	0
23	0	<b>2010</b>	<b>Precip. (in)</b>
24	0	<b>Aug</b>	<b>sum</b>
25	T	1	0
26	0	2	0
27	0	3	0
28	0	4	0
29	0	5	0.02
30	0	6	0
<b>2010</b>	<b>Precip. (in)</b>	7	0.19
<b>Jul</b>	<b>sum</b>	8	0.03
1	0.01	9	T
2	0.18	10	0
3	0	11	0
4	0.11	12	0
5	0	13	0
6	0	14	0
7	0	15	0
8	0	16	0
9	0	17	0
10	T	18	0
11	0	19	T
12	T	20	0
13	0	21	0.01
14	0	22	0
15	0	23	0
16	0	24	0
17	0	25	0
18	0	26	T
19	0	27	0
20	0	28	0
21	0	29	0
22	0.01	30	0
23	0	31	0.39
24	0		

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
<b>2010</b>	<b>Precip. (in)</b>	8	0.12
<b>Sep</b>	<b>sum</b>	9	1.21
1	0	10	0.74
2	0	11	0
3	0	12	0
4	0.01	13	0
5	0	14	0.12
6	0.12	15	0
7	0.26	16	0
8	0.31	17	0
9	0.03	18	0
10	0	19	0
11	0	20	0
12	0	21	T
13	0	22	0.05
14	0	23	0.38
15	0.14	24	0.72
16	0.6	25	1.08
17	1.49	26	0.19
18	0.78	27	T
19	0.36	28	0.07
20	0.02	29	0.01
21	0	30	0.39
22	0	31	0.16
23	0.26	<b>2010</b>	<b>Precip. (in)</b>
24	0	<b>Nov</b>	<b>sum</b>
25	0	1	1.56
26	0.39	2	0.02
27	0.03	3	0
28	T	4	0
29	0	5	0.17
30	T	6	0.7
<b>2010</b>	<b>Precip. (in)</b>	7	0.06
<b>Oct</b>	<b>sum</b>	8	0
1	0	9	0.22
2	0	10	T
3	0	11	0.13
4	0	12	0
5	0	13	0.12
6	0	14	0.27
7	0	15	0.14

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
16	0	25	0.32
17	0.17	26	0.09
18	0.2	27	0.44
19	0.06	28	0.01
20	T	29	0.09
21	0.01	30	0
22	0.15	31	0
23	T	<b>2011</b>	<b>Precip. (in)</b>
24	0	<b>Jan</b>	<b>sum</b>
25	0.01	1	0
26	0.29	2	0
27	0.01	3	0
28	0.02	4	0.03
29	0.1	5	0.12
30	0.64	6	0.17
<b>2010</b>	<b>Precip. (in)</b>	7	0.37
<b>Dec</b>	<b>sum</b>	8	0.03
1	T	9	0.02
2	T	10	T
3	0	11	0.3
4	0	12	0.81
5	T	13	0.82
6	0.01	14	0.29
7	0.35	15	0.45
8	0.51	16	0.27
9	0.89	17	0.04
10	0	18	0.08
11	1.42	19	0
12	2.19	20	0.05
13	0.46	21	0.51
14	0.82	22	T
15	0.11	23	0.04
16	0.02	24	0.21
17	0	25	0
18	0.08	26	0
19	0.14	27	0
20	0.03	28	0.14
21	0.01	29	0.24
22	0.01	30	T
23	0.25	31	0
24	0.44		

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
<b>2011</b>	<b>Precip. (in)</b>	10	0.55
<b>Feb</b>	<b>sum</b>	11	T
1	0	12	0.41
2	0	13	0.33
3	0.01	14	0.12
4	0.07	15	0.37
5	0.08	16	0.09
6	0.25	17	T
7	0.05	18	0.27
8	T	19	0
9	0	20	0.01
10	0	21	0.01
11	0	22	T
12	0.37	23	0
13	0.24	24	0.23
14	0.54	25	0.33
15	0.09	26	0.15
16	0.04	27	0.28
17	0.11	28	0.14
18	0	29	0.12
19	0	30	0.26
20	0	31	0.32
21	0.03	<b>2011</b>	<b>Precip. (in)</b>
22	0.04	<b>Apr</b>	<b>sum</b>
23	0.24	1	1.13
24	T	2	0.37
25	0	3	0.06
26	T	4	0.24
27	0.47	5	0.23
28	0.42	6	0.12
<b>2011</b>	<b>Precip. (in)</b>	7	0.08
<b>Mar</b>	<b>sum</b>	8	0
1	0.24	9	0.01
2	0.07	10	0.16
3	0.22	11	T
4	0.12	12	0
5	0.02	13	0.17
6	0	14	0.4
7	T	15	0.09
8	0.16	16	0.06
9	1.47	17	0.01

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
18	0.01	27	0.02
19	0	28	0.01
20	T	29	0
21	T	30	T
22	T	31	0.11
23	0	<b>2011</b>	<b>Precip. (in)</b>
24	0.18	<b>Jun</b>	<b>sum</b>
25	0.52	1	0.17
26	0.01	2	0.08
27	0.45	3	0
28	0.04	4	0
29	T	5	0
30	0.13	6	0
<b>2011</b>	<b>Precip. (in)</b>	7	0.21
<b>May</b>	<b>sum</b>	8	T
1	T	9	0
2	0.18	10	0
3	T	11	0
4	0	12	0.01
5	0.03	13	0.11
6	0.13	14	0
7	0.04	15	0.06
8	0.02	16	0
9	0	17	0
10	0	18	0.41
11	0.42	19	0.03
12	0	20	0
13	0	21	0
14	0.97	22	0
15	0.81	23	0.07
16	0	24	0.26
17	0	25	0.01
18	0	26	0
19	0	27	T
20	0	28	T
21	0.04	29	T
22	0	30	0
23	0	<b>2011</b>	<b>Precip. (in)</b>
24	0	<b>Jul</b>	<b>sum</b>
25	0.41	1	0
26	0.01	2	0



<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
3	0	11	0
4	0	12	0
5	0	13	0
6	0	14	T
7	0.03	15	0
8	0.01	16	0
9	0	17	0
10	0	18	0
11	T	19	0
12	0.08	20	0
13	T	21	0
14	0.02	22	0.12
15	0.02	23	0
16	0.35	24	0
17	0.07	25	0
18	0	26	0
19	0	27	0
20	0	28	0
21	T	29	T
22	0	30	0.01
23	0	31	0
24	0	<b>2011</b>	<b>Precip. (in)</b>
25	0.13	<b>Sep</b>	<b>sum</b>
26	0	1	0
27	0	2	0
28	0	3	0
29	0	4	0
30	0	5	0
31	T	6	0
<b>2011</b>	<b>Precip. (in)</b>	7	0
<b>Aug</b>	<b>sum</b>	8	0
1	0	9	0
2	0	10	0
3	0	11	0
4	0	12	0
5	T	13	T
6	0	14	0
7	0	15	0
8	0	16	0
9	0	17	0.2
10	0	18	0.28

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
19	0.01	28	0.5
20	0	29	0
21	T	30	0.16
22	T	31	T
23	0	<b>2011</b>	<b>Precip. (in)</b>
24	T	<b>Nov</b>	<b>sum</b>
25	0.19	1	0
26	0.59	2	0.35
27	0.01	3	0
28	0	4	0.05
29	0	5	0
30	0.01	6	0
<b>2011</b>	<b>Precip. (in)</b>	7	0.01
<b>Oct</b>	<b>sum</b>	8	T
1	0.02	9	T
2	0.37	10	0
3	0.1	11	0.23
4	0.05	12	0.25
5	0.09	13	0.02
6	0.11	14	0
7	0.06	15	0
8	0.02	16	0.49
9	0.1	17	0.28
10	0.25	18	0.08
11	0.89	19	0
12	T	20	0
13	0	21	0.3
14	0.01	22	1.76
15	0	23	0.55
16	0	24	0.26
17	0	25	0
18	0	26	0.02
19	T	27	0.42
20	T	28	T
21	0.12	29	0.09
22	0.58	30	0
23	0	<b>2011</b>	<b>Precip. (in)</b>
24	0	<b>Dec</b>	<b>sum</b>
25	0	1	T
26	0.02	2	0.01
27	0	3	0

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
4	0	12	0
5	0	13	0
6	0	14	0.16
7	0	15	0.21
8	0	16	0.1
9	0	17	0.32
10	T	18	0.78
11	0.02	19	0.6
12	0	20	0.53
13	0	21	0.12
14	T	22	0.24
15	0.03	23	T
16	0	24	0.34
17	0	25	0.32
18	0.19	26	0.19
19	0	27	0
20	T	28	T
21	0	29	1.09
22	0	30	0.14
23	0.02	31	0.07
24	T	<b>2012</b>	<b>Precip. (in)</b>
25	0.03	<b>Feb</b>	<b>sum</b>
26	0.05	1	0.53
27	0.9	2	0
28	0.63	3	0
29	0.29	4	0
30	0.07	5	0
31	0	6	0
<b>2012</b>	<b>Precip. (in)</b>	7	0.01
<b>Jan</b>	<b>sum</b>	8	0.11
1	T	9	0.1
2	0.43	10	0.1
3	0.03	11	0.03
4	0.8	12	0.04
5	0.05	13	0.45
6	0.1	14	0.1
7	T	15	0
8	0	16	0.07
9	0.17	17	0.68
10	0.04	18	0.25
11	0	19	0

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
20	0.12	30	0.22
21	0.03	31	0.52
22	0.34	<b>2012</b>	<b>Precip. (in)</b>
23	0	<b>Apr</b>	<b>sum</b>
24	0.45	1	0.06
25	T	2	0
26	0.05	3	0.06
27	0	4	0
28	0.14	5	0.18
29	0.03	6	0.01
<b>2012</b>	<b>Precip. (in)</b>	7	0
<b>Mar</b>	<b>sum</b>	8	0
1	T	9	0
2	0.08	10	T
3	0	11	0.09
4	T	12	0.02
5	0.27	13	0
6	0.02	14	0
7	0	15	T
8	0	16	0.32
9	0.14	17	0.07
10	0.41	18	0.07
11	0.54	19	0.43
12	0.76	20	0.26
13	0.37	21	0
14	0.34	22	T
15	0.94	23	0
16	0.33	24	0.17
17	0.37	25	0.42
18	0.14	26	0.15
19	0.08	27	0.03
20	0.14	28	T
21	0.05	29	0.17
22	0.16	30	0.17
23	0	<b>2012</b>	<b>Precip. (in)</b>
24	0	<b>May</b>	<b>sum</b>
25	T	1	0.02
26	T	2	0.02
27	0.19	3	0.73
28	0.05	4	0.07
29	1.08	5	0

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
6	0	14	0
7	0	15	0
8	0	16	T
9	T	17	0
10	0	18	0.12
11	0	19	0.04
12	0	20	0
13	0	21	0
14	0	22	0.62
15	0	23	0.34
16	0	24	0
17	T	25	0.02
18	T	26	T
19	0	27	0
20	0.25	28	T
21	0.55	29	0.01
22	0.24	30	0.12
23	0.01	<b>2012</b>	<b>Precip. (in)</b>
24	T	<b>Jul</b>	<b>sum</b>
25	T	1	T
26	0	2	0.08
27	0	3	0.23
28	T	4	0
29	0	5	0
30	0.01	6	0
31	0.15	7	0
<b>2012</b>	<b>Precip. (in)</b>	8	T
<b>Jun</b>	<b>sum</b>	9	0.06
1	0.26	10	0
2	0.01	11	0
3	0	12	0
4	0.05	13	0.02
5	0.63	14	T
6	0	15	T
7	0.65	16	0.01
8	0.06	17	0
9	T	18	0
10	0	19	0
11	T	20	0.6
12	0.03	21	0
13	0	22	0.04

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
23	T	31	0
24	0	<b>2012</b>	<b>Precip. (in)</b>
25	0	<b>Sep</b>	<b>sum</b>
26	0	1	0
27	0	2	0
28	T	3	0
29	0	4	0
30	0	5	0
31	0	6	0
<b>2012</b>	<b>Precip. (in)</b>	7	0
<b>Aug</b>	<b>sum</b>	8	0
1	0	9	0.01
2	0	10	0.01
3	0	11	0
4	0	12	0
5	0	13	0
6	T	14	0
7	0	15	0
8	0	16	0
9	0	17	0
10	0	18	0
11	0	19	0
12	0	20	0
13	0	21	T
14	0	22	0.01
15	0	23	0
16	0	24	0
17	0	25	0
18	0	26	0
19	0	27	0
20	0	28	T
21	T	29	0
22	0	30	0
23	0	<b>2012</b>	<b>Precip. (in)</b>
24	0	<b>Oct</b>	<b>sum</b>
25	0	1	0
26	0	2	0
27	0	3	0
28	0	4	0
29	0	5	0
30	0	6	0

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
7	0	15	0
8	0	16	0.22
9	0	17	0.24
10	0	18	0.31
11	0	19	2.13
12	0.08	20	0.15
13	0.19	21	0.44
14	0.65	22	T
15	0.31	23	1.26
16	0	24	T
17	0	25	0
18	0.82	26	0
19	0.19	27	0
20	0.02	28	0.11
21	0.25	29	0.06
22	0.35	30	1.4
23	T	<b>2012</b>	<b>Precip. (in)</b>
24	0.28	<b>Dec</b>	<b>sum</b>
25	0	1	0.16
26	0.06	2	0.77
27	0.91	3	0.51
28	0.24	4	0.56
29	0.43	5	0.06
30	1.36	6	0.06
31	0.57	7	0.04
<b>2012</b>	<b>Precip. (in)</b>	8	0
<b>Nov</b>	<b>sum</b>	9	0.06
1	0.38	10	0.02
2	0.22	11	0.12
3	0.02	12	0.32
4	0.32	13	0.09
5	0.03	14	0.31
6	0.01	15	0.21
7	T	16	0.89
8	T	17	0.08
9	T	18	0.13
10	T	19	0.54
11	0.6	20	0.52
12	0.14	21	0.07
13	0.21	22	0.13
14	0.03	23	0.26

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
24	0.01	<b>2013</b>	<b>Precip. (in)</b>
25	0.53	<b>Feb</b>	<b>sum</b>
26	0.18	1	0.01
27	0.16	2	0
28	T	3	0.09
29	0.06	4	T
30	0	5	0.13
31	0	6	0.04
<b>2013</b>	<b>Precip. (in)</b>	7	0.05
<b>Jan</b>	<b>sum</b>	8	0
1	0	9	0.01
2	0	10	0
3	0.16	11	0.01
4	0.1	12	0.04
5	0.12	13	0.09
6	0.08	14	0.04
7	0.09	15	0
8	0.64	16	T
9	1.51	17	T
10	0.01	18	T
11	0	19	0
12	0	20	0.06
13	0	21	0.02
14	0	22	0.37
15	0	23	0.01
16	0	24	T
17	0	25	0.09
18	0	26	0.02
19	0	27	0.18
20	0	28	0.32
21	0	<b>2013</b>	<b>Precip. (in)</b>
22	0	<b>Mar</b>	<b>sum</b>
23	0.2	1	0.16
24	0.23	2	0.03
25	0.12	3	0
26	0.09	4	0
27	0.07	5	T
28	0.31	6	0.47
29	0.17	7	0.29
30	0.14	8	0
31	0.12	9	0



<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
10	0.03	18	0.21
11	0.05	19	0.81
12	0.08	20	T
13	0.09	21	0.13
14	0.11	22	0
15	T	23	0
16	0.17	24	0
17	0	25	0
18	T	26	0
19	0.46	27	T
20	0.39	28	0.04
21	0.32	29	0.15
22	0	30	T
23	0	<b>2013</b>	<b>Precip. (in)</b>
24	0	<b>May</b>	<b>sum</b>
25	0	1	0
26	0	2	0
27	0.01	3	0
28	0.08	4	0
29	T	5	0
30	0	6	0
31	0	7	0
<b>2013</b>	<b>Precip. (in)</b>	8	0
<b>Apr</b>	<b>sum</b>	9	0
1	0	10	0
2	0	11	0
3	0	12	0.26
4	0.33	13	0.13
5	0.73	14	0
6	0.5	15	0.04
7	1.54	16	T
8	0.03	17	0.02
9	T	18	T
10	0.37	19	T
11	0.06	20	0
12	0.38	21	0.54
13	0.37	22	0.54
14	0.23	23	0.16
15	T	24	0.01
16	0.01	25	T
17	0	26	0.06

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
27	0.38	3	0
28	0.02	4	0
29	0.22	5	0
30	T	6	0
31	0	7	0
<b>2013</b>	<b>Precip. (in)</b>	8	0
<b>Jun</b>	<b>sum</b>	9	0
1	T	10	0
2	0.04	11	0
3	0	12	0
4	0	13	0
5	0	14	0
6	0	15	0
7	T	16	T
8	0	17	T
9	0	18	0
10	0	19	0
11	0	20	0
12	0.01	21	0
13	0	22	0
14	0	23	0
15	0	24	0
16	0	25	0
17	T	26	0
18	0.01	27	0
19	T	28	0
20	0.12	29	T
21	0.01	30	0
22	0	31	0
23	0.31	<b>2013</b>	<b>Precip. (in)</b>
24	0.19	<b>Aug</b>	<b>sum</b>
25	0.39	1	0
26	0.08	2	0.08
27	0.14	3	T
28	0	4	0
29	0	5	0
30	0	6	0
<b>2013</b>	<b>Precip. (in)</b>	7	0
<b>Jul</b>	<b>sum</b>	8	0
1	0	9	T
2	0	10	0.09

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
11	0	19	0
12	0	20	0.14
13	0	21	T
14	0.03	22	0.53
15	0.07	23	0.11
16	0	24	T
17	0	25	0.08
18	0	26	0
19	0	27	0.04
20	0	28	1.71
21	0	29	0.66
22	0	30	0.73
23	T	<b>2013</b>	<b>Precip. (in)</b>
24	0	<b>Oct</b>	<b>sum</b>
25	0.01	1	0.31
26	0.04	2	0.21
27	0.05	3	0.03
28	0.22	4	0
29	0.76	5	0
30	0	6	0.16
31	0	7	0.02
<b>2013</b>	<b>Precip. (in)</b>	8	0.27
<b>Sep</b>	<b>sum</b>	9	0
1	0	10	0.04
2	T	11	0.36
3	0.09	12	0.04
4	0.01	13	0
5	1.09	14	0
6	0.84	15	0
7	0	16	0
8	0	17	0
9	0	18	0
10	0	19	0
11	0	20	0
12	0	21	0
13	0	22	0
14	0	23	0
15	0.13	24	0
16	0.01	25	0
17	T	26	0
18	0	27	0.07

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
28	0	4	0
29	0	5	0
30	0.02	6	0
31	0.01	7	0
<b>2013</b>	<b>Precip. (in)</b>	8	0
<b>Nov</b>	<b>sum</b>	9	0
1	0.05	10	0
2	0.5	11	0
3	0.02	12	0.27
4	T	13	0.02
5	0.1	14	T
6	0.15	15	0.05
7	1.18	16	0.01
8	0	17	0
9	0.07	18	0.05
10	T	19	0
11	0	20	0.22
12	0.16	21	0.22
13	0	22	0.42
14	0.05	23	0.06
15	0.12	24	0
16	0	25	0
17	0.21	26	0
18	1.03	27	0.01
19	0.04	28	0
20	0	29	0
21	0	30	0.01
22	0	31	0.02
23	0	<b>2014</b>	<b>Precip. (in)</b>
24	0	<b>Jan</b>	<b>sum</b>
25	0	1	T
26	T	2	0.16
27	0	3	0.06
28	0	4	0
29	0.02	5	0
30	0.09	6	0.01
<b>2013</b>	<b>Precip. (in)</b>	7	0.48
<b>Dec</b>	<b>sum</b>	8	0.38
1	0.12	9	0.23
2	0.18	10	0.17
3	0	11	0.84

<u>Date</u>	<u>Precipitation (inches)</u>	<u>Date</u>	<u>Precipitation (inches)</u>
12	0.06	20	0.12
13	0	21	0.11
14	T	22	0.1
15	0	23	0.24
16	0	24	0.51
17	0	25	0.01
18	0	26	0
19	0	27	0
20	0	28	0
21	0	<b>2014</b>	<b>Precip. (in)</b>
22	0.02	<b>Mar</b>	<b>sum</b>
23	0	1	0.02
24	0	2	0.75
25	0	3	0.42
26	0	4	0.65
27	0	5	1.84
28	0.35	6	0.12
29	0.85	7	0
30	0	8	1.27
31	0.09	9	0.17
<b>2014</b>	<b>Precip. (in)</b>	10	0.74
<b>Feb</b>	<b>sum</b>	11	0
1	0.08	12	0
2	0	13	0
3	0	14	0.27
4	0	15	0.32
5	0	16	1.09
6	T	17	0.01
7	T	18	0
8	0.2		
9	0.02		
10	0.72		
11	0.67		
12	0.18		
13	0.07		
14	0.37		
15	0.46		
16	1.04		
17	0.57		
18	0.6		
19	0.04		